IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 897 OF 2005

KLM Royal Dutch Airlines Staff Association ..Petitioner

Versus

KLM Royal Dutch Airlines & Ors. ... Respondents.

Ms. Gayatri Sangh for the petitioner.
Mr. Mahesh Londhe with Mr. Navraj Jalota instructed by M/s.Sanjay Udeshi & Co. for respondent Nos. 1 and 2.
Mr. Rajiv Chavan with Mr. Suresh Kumar for respondent Nos. 4 and 5.

CORAM: **DALVEER BHANDARI, C.J.** &
S.J. VAZIFDAR, J.

DATE: **JUNE 24, 2005**.

P.C.

The learned counsel for the petitioner submits that the post of Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court-II has not been filled in for about two years.

2. In the order dated 2nd May, 2005, it is mentioned that the salary of the Presiding Officer of the CGIT-cum-Labour Court-II is less than that of a District Judge. On the post of Industrial Court, the Court always require an Officer of the rank of District Judge. When a person

of the rank of District Judge is posted as Presiding Officer of the CGIT-cum-Labour Court-II, then his pay scale has to be protected. The learned counsel appearing for Union of India has brought to our notice an affidavit of Prakash Kumar Tamrakar, Under Secretary to the Government of India, currently posted at the Ministry of Labour and Employment. The learned counsel for the Union of India has drawn our attention to para 7 of the affidavit in which it is mentioned that the Ministry of Law and Justice has now implemented the recommendations of the First National Judicial Pay Commission vide letter dated 11-2-2005. The pay scales have been revised in respect of Judicial Officers in the Union Territories with effect from 1st July, 1996. The learned counsel has also drawn our attention to paragraph 10 of the said affidavit in which it is mentioned that Integrated Finance Division of the Ministry of Labour and Employment has confirmed that the orders for upgradation of the pay scale of the post of Presiding Officers of the CGIT-cum-Labourt Court-II has been sent to the Ministry of Finance on 20th May, 2005, which is the competent authority to take decision to revise the pay scales.

3. It is unfortunate that because of the inaction of the Government of India for a considerable period, almost for two years there is no Presiding Officer of such an important Tribunal. Public interest is seriously suffering on account of the non-action of respondent No.5. In this affidavit it is mentioned that the matter is pending before the Ministry of Finance, which is competent to take a decision to revise the pay scale. We would like to make it clear that on a lower pay scale, no District Judge would like to join. This Tribunal is discharging important functions and in the absence of the Tribunal, public interest is adversely affected.

4. In this view of the matter, it has become imperative to give directions to the Ministry of Finance to take a decision on the recommendation of the proposal of the Ministry of Labour and Employment as expeditiously as possible and, in any event, within two months from the date of receipt of this order. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.